IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Crl.MC.No. 741 of 2007()

CRIME NO.323/03 OF THE KURAVILANGAD POLICE STATION.

PETITIONER: ACCUSED

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1. K.T.VARGHESE, S/O THOMAS,
   KADAMBAMACHIRAYIL HOUSE,
   KOZHA, KURAVILANGAD, KOTTAYAM.

2. BIJU JOSEPH,
   KADAMBAMACHIRAYIL HOUSE,(BILUA VILLA),
   KOZHA, KURAVILANGAD, KOTTAYAM.

3. SUJA BIJU, W/O BIJU JOSEPH,
   KADAMBAMACHIRAYIL HOUSE,
   KOZHA, KURAVILANGAD, KOTTAYAM.

4. SUNI JOSEPH, D/O K.V.JOSEPH,
   KADAMBAMACHIRAYIL HOUSE,
   KOZHA, KURAVILANGAD, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS: COMPLAINANT & STATE

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1. THE SUB INSPECTOR OF POLICE,
   KURAVILANGAD POLICE STATION, KOTTAYAM
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. THE SENIOR MANAGER,
   KERALA STATE FINANCIAL ENTERPRISES,
   KOOTHATTUKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 741 OF 2007

Dated this the 12th day of June, 2007

ORDER

The 1st petitioner (the de facto complainant) and the the petitioners 2 to 4 are the accused in a crime registered on the basis of a complaint filed before the learned Magistrate and referred to police under Sec.156(3) of the Cr.P.C. The petitioners submit that the matter has been settled between the parties. The learned Public Prosecutor submits that the investigation is complete and the final report alleging the offences punishable, inter alia, under Sec.468 of the IPC has already been filed. Final report has been returned by the learned Magistrate for curing certain defects, it is urged.

2. The petitioners have now come to this Court complaining about the petition to return the documents filed before the learned Magistrate which has not been disposed of by the learned Magistrate. A report of the learned Magistrate

has been obtained. The learned Magistrate submits that an earlier petition filed had been dismissed on 28/10/05. Thereafter, no application has been filed under Sec.457 of the Cr.P.C.

3. In the wake of that report, the learned counsel for the petitioners only prays that the petitioners may be permitted to file a fresh application under Sec.457 of the Cr.P.C. and the learned Magistrate may be directed to dispose of the same expeditiously.

4. I do not think that any specific directions are necessary. The petitioners' liberty to file an application under Sec.457 of the Cr.P.C. shall, of course, remain. The learned Magistrate, needless to say, will have to consider such application expeditiously and pass appropriate orders.

5. With the above observations, this Crl.M.C. is dismissed.

6. Hand over a copy of this order to the learned counsel for the petitioners.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge